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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

LILLIAM ALBURQUERQUE, WINSTON PENA and DAVID COLON, on behalf of themselves and as class representatives of all those similarly situated,

Plaintiff,

11-CV-2634 (FB)(CMP)

-against-

HEALTHFIRST, INC., d/b/a HEALTHFIRST,

STIPULATION OF DISCONTINUANCE WITH PREJUDICE

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that the above-captioned action shall be and is hereby discontinued in its entirety, with prejudice, and with no award of attorneys' fees, costs or disbursements by the Court to any Party.

FRANK & ASSOCIATES, P.C.

Attorneys for Plaintiff

By: Peter A. Romero, Esq. (PR 1658) 500 Bi-County Blvd., Ste. 112N Farmingdale, New York 11735

(631) 756-0400

Dated: December ____, 2011

LEVINE LEE, LLP Attorneys for Defendant

By: Seth L. Levine (SL

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Dated: December 16, 2011